

Group I includes product categories some of which have regulatory activities (rules or guidelines) already underway. The remaining categories are divided among Groups II, III, and IV according to numerical rank. "Consumer products (24 categories)" represent an aggregation of two dozen individual household, personal care, and automotive products which are currently regulated in one or more States. They are products used in home, office, institutional, or similar settings. In order to achieve VOC reductions required under their State Implementation Plan (SIP), many States have declared intentions to develop rules to reduce VOC emissions from these particular categories as part of their attainment plans. The EPA has scheduled these categories for regulation as part of Group I.

With one exception, all the other categories in Group I received relatively high numerical scores in the preliminary ranking. The one exception is shipbuilding and repair coatings, which are included in Group I despite a lower numerical score because a CTG for this category is currently under development pursuant to section 183(a) of the CAA. Under section 183(e)(3)(C), the Administrator may issue CTG in lieu of regulations if it is determined that a CTG will be substantially as effective in reducing VOC emissions. As a CTG is developed, the EPA will assess the projected emission reductions to make this determination. The EPA believes that the issuance of a CTG for shipbuilding and repair coatings to satisfy the requirements of both sections 183(a) and 183(e) would promote regulatory efficiency. Two other categories in Group I for which CTG are being developed are aerospace coatings and wood furniture coatings. As with the shipbuilding and repair coatings CTG, determinations will be made as to whether these CTG satisfy the requirements of section 183(e)(3)(c).

While the regulatory schedule presented in today's notice includes product categories that account for 80 percent of VOC emissions in nonattainment areas, as directed in the CAA, the EPA recognizes that the list of product categories included may need to be amended as regulatory development proceeds or as new information becomes available.

As individual products and categories are further assessed and comments are submitted during the rulemaking process, the EPA's evaluation of the criteria as applied to each category may change. For example, Criterion 6, cost-effectiveness of controls, reflects the emphasis Congress placed on identifying "(t)hose consumer and

commercial products which are subject to the most cost-effective controls." (Section 183(e)(2)(B)(iv)). However, the EPA had relatively limited data on the cost-effectiveness of control for most products. As the EPA moves forward in implementing the emission limitations required by section 183(e), it will reevaluate and reassess the ranking and schedule for regulation based on additional information developed on cost-effectiveness.

As a result, categories may be removed from the list, and remaining unlisted categories may be considered for listing. Table 2 shows significant categories within the scope of section 183(e) which are not being listed at this time for regulation. Any changes made to the consumer and commercial products regulatory schedule will be published in the **Federal Register**.

TABLE 2.—SIGNIFICANT CATEGORIES OUTSIDE 80 PERCENT

	Baseline emissions (Mg/yr)
Agricultural pesticides	25,050
Rotogravure publication printing materials	18,182
Nonautomotive paint thinners	9,055
Cutback asphalt paving materials	116,727
Synthetic fiber spinning solvents	42,000
Metal cleaning (degreasing) solvents	32,727
Fabric printing, coating, and dyeing materials	42,000
Metal can coatings	40,909
Tire manufacturing cements	24,000
Magnetic tape coatings	5,000
Metal coil coatings	19,636
Roofing materials	16,840
Magnet wire coatings	7,407
Mold release agents	68,545
Remaining consumer products ...	154,714

IV. Administrative Requirements

A. Docket

The docket is an organized file of information considered by the EPA in the development of an action. Although this action is not a rulemaking, a docket has been established for the consumer and commercial product study and subsequent product category list and schedule for regulation. The docket number is A-94-65. The purpose of this docket is to allow interested parties a means to access relevant documents not otherwise available. In addition, the public may submit to the docket information or comments regarding today's notice and the Report to Congress. The docket may be inspected at the EPA's Air and Radiation Docket

and Information Center, listed in the **ADDRESSES** section of this notice.

B. Regulatory Requirements

1. General

Because today's notice is not a rulemaking, the EPA has not prepared an assessment of the potential costs and benefits pursuant to Executive Order 12866, nor an economic impact analysis pursuant to section 317, nor a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980). Also, this notice is not subject to the Paperwork Reduction Act of 1990, 44 U.S.C. 3501 *et seq.*

2. Executive Order and Office of Management and Budget Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether regulatory actions are significant and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in the Executive Order.

Pursuant to the terms of the Executive Order, OMB has notified the EPA that it considers this a "significant regulatory action" within the meaning of the Executive Order because it is likely to lead to rules which may meet one or more of the criteria. The EPA has submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

Dated: March 15, 1995.

Carol M. Browner,
Administrator.

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